

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DANIEL EICHELBERGER</b>	<b>CIVIL ACTION</b>
<b>v.</b>	<b>NO. 17-5795</b>
<b>CITY OF PHILADELPHIA, CURRAN- FROMHOLD CORRECTIONAL FACILITY, and CORRECTIONS OFFICER S. WILSON</b>	

**ORDER RE: MOTION TO DISMISS**

AND NOW, this 7th day of May, 2018, upon careful consideration of all submissions, and for the reasons stated in the accompanying memorandum, it is hereby **ORDERED** that Defendant City of Philadelphia's Motion to Dismiss is **DENIED IN PART** and **GRANTED IN PART**, without prejudice.

**BY THE COURT:**

/s/ Michael M. Baylson  
**MICHAEL M. BAYLSON, U.S.D.J.**